



1633

PATENT
Docket No. 546322000320

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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MAIL STOP: ART UNIT 1633, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on September 16, 2003.

LILLIA OLSEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael Wayne GRAHAM and Robert
Norman RICE

Serial No.: 09/997,905

Filing Date: November 30, 2001

For: CONTROL OF GENE EXPRESSION

Examiner: To Be Assigned

Group Art Unit: 1633

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**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents marked with an asterisk (*) were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/100,812, filed June 19, 1998, (now US Patent No. 6,573,099) accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **546322000320**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 15, 2003

Respectfully submitted,

By: Michael R. Ward
Michael R. Ward
Registration No. 38,651

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Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 546322000320

Application Number 09/997,905

Applicant

Michael Wayne GRAHAM and Robert Norman RICE

Filing Date November 30, 2001

Group Art Unit 1633

Mailing Date September 16, 2003

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|-----------|-------------------|----------------|-------|----------|----------------------------|
| | 1. | 9/29/1998 | * 5,814,500 | Dietz | | | |
| | 2. | 1/14/2003 | * 6,506,559 | Fire et al. | | | |
| | 3. | 7/4/2002 | * 2002/0086356 A1 | Tuschl et al. | | | |
| | 4. | 8/22/2002 | * 2002/0114784 A1 | Li et al. | | | |
| | 5. | 2/6/2003 | * 2003/0027783 A1 | Zernicka-Goetz | | | |

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FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------------|-------------------|---------|-------|----------|--------------------|
| | 5. | 6/9/1999 | * EP 0 921 195 A1 | EP | | | |
| | 6. | 8/7/2002 | * EP 1 229 134 A1 | EP | | | |
| | 7. | 11/26/1998 | * WO 98/53083 | WIPO | | | |
| | 8. | 1/13/2000 | * WO 00/01846 | WIPO | | | |
| | 9. | 10/26/2000 | * WO 00/63364 | WIPO | | | |
| | 10. | 4/26/2001 | * WO 01/29058 | WIPO | | | |
| | 11. | 5/25/2001 | * WO 01/36646 | WIPO | | | |
| | 12. | 1/18/2001 | * WO 01/04313 | WIPO | | | |
| | 13. | 7/5/2001 | * WO 01/48183 | WIPO | | | |
| | 14. | 11/22/2001 | * WO 01/88114 | WIPO | | | |
| | 15. | 6/6/2002 | * WO 02/44321 | WIPO | | | |
| | 16. | 1/23/2003 | * WO 03/006477 | WIPO | | | |

OTHER DOCUMENTS

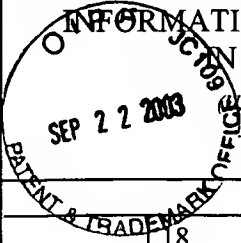
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|-------------------|----------|--|
| | 17. | * Billy, E. et al. (2001) "Specific interference with gene expression induced by long, double-stranded RNA in mouse embryonal teratocarcinoma cell lines." Proceedings of the National Academy of Sciences of the United States of America 98(25): 14428-33. |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

| | | | |
|--|--|--|--------------------------------------|
| Form PTO-1449 | | Docket Number 546322000320 | Application Number 09/997,905 |
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)  | | Applicant Michael Wayne GRAHAM and Robert Norman RICE | |
| | | Filing Date November 30, 2001 | Group Art Unit 1633 |
| | | Mailing Date September 16, 2003 | |
| 18. | * Brummelkamp, R. et al. (2002) "A System for Stable Expression of Short Interfering RNAs in Mammalian Cells" Science Vol. 296: 550-553. | | |
| 19. | * Dykxhoorn, D. et al. (2003) "Killing the Messenger: Short RNAs that Silence Gene Expression." Nature Reviews Molecular Cell Biology Vol.4: 457-467. | | |
| 20. | * Elbashir, S.M. et al. (2001) "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells." Nature 411(6836): 494-8. | | |
| 21. | * Fire, A. (1999) "RNA-triggered gene silencing" Trends Genet. 15(9): 358-363. | | |
| 22. | * Good, et al. (1997) "Expression of small, therapeutic RNAs in human cell nuclei" Gene Ther. 4(1): 45-54. | | |
| 23. | * Grant, Sarah R. (1999) "Dissecting the Mechanisms of Posttranscriptional Gene Silencing: Divide and Conquer" Cell 96: 303-306. | | |
| 24. | * Matzke, Marjori A. and A. J. M. Matzke (1995) "How and Why Do Plants Inactivate Homologous (Trans)genes" Plant Physiol. 107: 679-685. | | |
| 25. | * McKenzie, et al. (1999) Transplantation, Science Inc.: 827-874. | | |
| 26. | * Selker (1999) "Gene Silencing: repeats that count" Cell 97(2): 157-160. | | |
| 27. | * Svoboda, P. et al. (2000) "Selective reduction of dormant maternal mRNAs in mouse oocytes by RNA interference." Development 127(19): 4147-4156. | | |
| 28. | * Yang, S. et al. (2001) "Specific double-stranded RNA interference in undifferentiated mouse embryonic stem cells." Molecular and Cellular Biology 21(22): 7807-16. | | |
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| EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant. | | | |